



STATE HUMAN RESOURCES MANAGEMENT COUNCIL

MINUTES

Wednesday August 11, 2004

8:30 a.m. – 10:30 a.m.

Office of State Courts Administrator, Alameda A

The August 11, 2004 meeting was called to order at 8:30 a.m. by Steve Hope, Co-Chair.

FLSA Regulations – Mamie Holt, Department of Labor

Mamie Holt with the Department of Labor showed a PowerPoint presentation and discussed the new FLSA regulations. Copies of the PowerPoint presentation shown by Mamie were previously sent out by Gary Fogelback or you can access the presentation at www.dol.gov/fairpay. If anyone has questions on the new FLSA regulations you can call the Department of Labor general phone number, 314-539-2706, and there is an investigator on phone duty between 8:30 a.m. to 3:30 p.m. Monday through Friday. You can also contact Mamie directly at 314-539-7381.

Questions asked of Mamie:

- Rate of pay is greater than \$455.00 a week but employee is not a full FTE.
Earnings have to be \$455.00 a week for the exemption to be granted.
- How would you distinguish between jobs that relate to running or servicing a business from jobs that are performing the work of the business?
Regulatory type state jobs which are not involved in running the agency are non-exempt.
- Employees that doing outside sales, they are going out and trying to sell the State of Missouri. The salesman goes out to recruit businesses. Does it matter how they are paid?
Exempt. It does not matter how they are paid. Salary requirements also do not apply for outside sales.
- Would staff that coordinates training be considered exempt or non-exempt?
Non-Exempt. Training does not fall under any exemption. If it is part of your core mission to provide training there is no exemption that would apply.
- Business analyst that goes out and maps a business and while working on the project supervises the team that is in the field. Is there a way to get them an exemption?
Mamie would have to get more information on the duties of that person to make a determination.

- Individuals who are going out to make facility assessments to see if they meet ADA or security assessments.

The position could be exempt but you would have to look at the depth of the position since they are making recommendations to upper level positions for changes.

OA Update – Gary Fogelbach

OA will be providing agencies a list of job classes and what their initial determination of the position reveals. OA will be reviewing the initial determinations again before sending them out to the agencies. They would like for those determinations to be sent out next week. There will be some jobs that OA will not have specifications on and the agencies will have to make a determination on those, but OA will be there to assist if needed. Some job classes will be moving from exempt to non-exempt status which will impact the estimation on HB1548. At this time, no recommendation is being made that will change employees who are earning only straight time. Gary distributed copies of Sec. 541.710 on salary basis requirements. HB1548, looking at changing the rule that the state can compel an employee to use overtime. When you read the entire bill, it states that it has to be agreed upon by the employee and the supervisor on when to use the time. Holiday Compensatory time does not have a specific date on when it has to be used or paid where State and Federal compensatory time has a January 06 date for when it will need to be paid. OA will be posting a questions and answers section on the web

SAM II Update – Jan Heckemeyer

Hold update until September meeting.

FMLA Best Practices/Update from Working Group/Survey – Rhonda Byers, Chair, FMLA Work Group

Hold update until September meeting.

Subcommittee on SAM II HR Reporting, Lori Hogue, Chair, SAM II HR Reporting Work Group

Hold update until September meeting.

Next SHRMC Meeting: September 15, 2004, 8:30 a.m.

Location: Department of Natural Resources, 1738 Elm Street

Meeting adjourned.